

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

WILLIAM R. TANTUM,
Plaintiff,

v.

BEN M. MOEZL, E & J EXPRESS
CORP., AND FEDERAL EXPRESS
CORPORATION,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT
CASE NO.: 2021-CP-15-_____

SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint upon the Plaintiff through their attorneys, Benjamin W. Akery, Esquire, and Annie E. Andrews Esquire, at their office at PO Box 1028, Goose Creek, SC 29445, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to Answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

DATED at Goose Creek, South Carolina, this 15th day of October, 2021

THE STEINBERG LAW FIRM LLP

By: s/Benjamin Akery
Benjamin W. Akery, Esquire
Annie E. Andrews, Esquire
Attorneys for Plaintiff
PO Box 1028
Goose Creek, SC 29445
(843) 572-0700 - office
(843) 572-1871 - facsimile

ELECTRONICALLY FILED - 2021 Oct 15 2:47 PM - COLLETON - COMMON PLEAS - CASE#2021CP1500613

EXHIBIT

A

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

WILLIAM R. TANTUM,
Plaintiff,

v.

BEN M. MOEVL, E & J EXPRESS
CORP., FEDERAL EXPRESS
CORPORATION,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT
CASE NO.: 2021-CP-15-_____

COMPLAINT
(JURY TRIAL REQUESTED)

TO THE ABOVE-NAMED DEFENDANTS:

The Plaintiff, William R. Tatum, by and through his attorneys Benjamin W. Akery, Esquire and Annie E. Andrews, Esquire alleges in his Complaint against the Defendants, Ben M. Moevl, E & J Express Corp., and Federal Express Corporation and would respectfully allege and show unto this Honorable Court:

PARTIES AND JURISDICTION

FIRST: The Plaintiff William R. Tatum (hereinafter "Plaintiff Tatum") is a resident of Beaufort County, South Carolina.

SECOND: Upon information and belief, Ben M. Moevl (hereinafter "Defendant Moevl") is a resident of Philadelphia County, Pennsylvania.

THIRD: Upon information and belief, E & J Express Corp. (hereinafter "Defendant E & J Express Corp.") is a freight transportation corporation organized under the laws of New Jersey and doing business in Colleton County, South Carolina.

FOURTH: Upon information and belief, Federal Express Corporation. (hereinafter

“Defendant Federal Express Corporation”) is a freight transportation corporation organized under the laws of Delaware and doing business in Colleton County, South Carolina.

FIFTH: This Court has jurisdiction of the parties and subject matter of this action because the wrongful conduct and the injuries suffered occurred in Colleton County, South Carolina and venue is proper in Colleton County pursuant to S.C. Code Ann. § 15-7-30 because a substantial part of the events or omissions giving rise to the cause of action and the injuries suffered occurred in Colleton County, South Carolina.

FACTUAL ALLEGATIONS

SIXTH: At the time of the occurrence herein mentioned Plaintiff Tantum was the operator of a 2016 GMC Vehicle with SC License Plate # 2251JR.

SEVENTH: At the time of the occurrence herein mentioned Defendant Moezl was the driver of a 2009 Volvo tractor trailer with New Jersey license plate number AP389D.

EIGHTH: Upon information and belief and at all times mentioned herein, Defendant Moezl was an agent and/or employee of Defendant E & J Express Corp. and was acting within the course and scope of his employment as a driver of the freight truck for Defendant E & J Express Corp.

NINTH: Upon information and belief and at all times mentioned herein, Defendant E & J Express Corp had contracted or otherwise agreed with Defendant Federal Express Corporation to transport their freight and was furthering the business interests of Federal Express Corporation.

TENTH: On October 18, 2018, at approximately 3:20pm, Plaintiff Tantum was traveling north on Interstate 95 near the town of Walterboro, SC in the left lane of travel and had come to a stop due to traffic.

ELEVENTH: At the aforementioned date and time, while traveling north on

Interstate 95 near the town of Walterboro, SC Defendant Moezl was driving too fast for conditions, failed to stop for traffic, and violently collided with Plaintiff Tantom's vehicle pushing him off the road.

TWELFTH: Defendants were negligent, grossly negligent, careless, reckless, willful and/or wanton in one or more of the following particulars:

AS TO DEFENDANT MOEZL

- (a) In following too closely in violation of South Carolina Statute § 56-5-1930;
- (b) In driving too fast for conditions and general speed limits in violation of South Carolina Statute §56-5-1520;
- (c) In failing to maintain proper control over the tractor trailer;
- (d) In driving while distracted and/or inattentive;
- (e) In failing to properly observe the conditions around him;
- (f) In driving the tractor trailer directly into the path of Plaintiff Tantom's vehicle;
- (g) In striking Plaintiff Tantom's vehicle;
- (h) In failing to take sufficient evasive action by any means, to avoid or keep from striking Plaintiff Tantom's vehicle;
- (i) In operating the tractor trailer with reckless disregard for the rights and safety of others and especially the rights and safety of Plaintiff Tantom;
- (j) In failing to keep a proper lookout;
- (k) In failing to use the brakes on the freight truck or otherwise avoid the collision;
- (l) In failing to exercise that degree of care which a reasonable and prudent truck
- (m) driver would have exercised under the same or similar circumstances;
- (n) In violating the laws, statutes and ordinances of the State of South Carolina and other federal motor carrier statutes and regulations; and
- (o) In other ways that a judge or jury may determine.

All of which were the direct and proximate cause of the injuries and damages suffered by Plaintiff Tantom as stated herein.

THIRTEENTH: As the direct and proximate result of the aforesaid negligent, gross negligent, careless, reckless, willful and/or wanton acts or omissions of the Defendants, Plaintiff Tantum suffered great and permanent physical harm, injuries and damages including:

- (a) Permanent traumatic brain injury;
- (b) Permanent left arm and left ulnar nerve injury requiring surgery;
- (c) Permanent cervical spine injury;
- (d) Permanent thoracic spine injury;
- (e) Permanent lumbar spine injury;
- (f) Permanent psychological injuries, including but not limited to, anxiety, depression and PTSD;
- (g) Pain throughout various parts of his body to include head, neck, back, left shoulder, left arm and left leg;
- (h) Dysphagia, chronic cough and other respiratory injuries;
- (i) Past, present and future loss of income;
- (j) Medical expenses, including, but not limited to, physicians, hospitals, medicines, physical therapy, surgeries, rehabilitation, and diagnostic testing;
- (k) Out of pocket costs, expenses and past, present and future lost earnings of Plaintiff Tantum's family members suffered as a result of taking care of the Plaintiff;
- (l) Future medical expenses;
- (m) Permanent impairment;
- (n) Future damages resulting from permanent injuries;
- (o) Disfigurement;
- (p) Inability to attend to his usual household duties and social activities;
- (q) Past, present and future pain and suffering and loss of enjoyment of life; and,
- (r) Other particulars to be determined by the evidence at trial.

AS A SECOND CAUSE OF ACTION

Negligent Hiring, Training & Supervision by Defendants E & J Express Corp. and Defendant Federal Express Corporation

FOURTEENTH: Plaintiff Tantum re-alleges and incorporates the contents of paragraphs first through thirteenth as if set forth herein verbatim.

AS TO DEFENDANT E & J EXPRESS CORP.

FIFTEENTH: Defendant E & J Express Corp. was negligent in hiring Defendant Moezl and entrusting him to drive a tractor trailer.

SIXTEENTH: Defendant E & J Express Corp. was negligent in failing to properly train Defendant Moezl.

SEVENTEENTH: Defendant E & J Express Corp. was negligent in failing to properly supervise Defendant Moezl.

EIGHTEENTH: Defendant E & J Express Corp's negligence in hiring Defendant Moezl and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of Defendant Moezl's collision with Plaintiff Tantum, and Plaintiff Tantum's resulting injuries and damages as more fully set forth above.

AS TO DEFENDANT FEDERAL EXPRESS CORPORATION

NINETEENTH: Defendant Federal Express Corporation was negligent in hiring, retaining or otherwise agreeing to have Defendant E & J Express Corp and it's agents and/or employees transport their freight.

TWENTIETH: Defendant Federal Express Corporation was negligent in failing to properly train Defendant E & J Express Corp and it agents and/or employees.

TWENTY-FIRST: Defendant Federal Express Corporation was negligent in failing to properly supervise Defendant E & J Express Corp and it agents and/or employees.

TWENTY-SECOND: Defendant Federal Express Corporation's negligence in hiring, retaining or otherwise agreeing to have Defendant E & J Express Crop and it's agents and/or employees transport their freight and entrusting them with driving a

commercial vehicle hauling and/or transporting their freight and failing to train and supervise Defendant E & J Express Corp and it's agents and/or employees properly was the sole and proximate cause of Defendant Moezl's collision with Plaintiff Tantom, and Plaintiff Tantom's resulting injuries and damages as more fully set forth above.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for actual and punitive damages, for the costs of this action and for such other and further relief as this Court may deem just and proper.

THE STEINBERG LAW FIRM LLP

By: s/Benjamin Akery
Benjamin W. Akery, Esquire
Annie E. Andrews, Esquire
Attorneys for Plaintiff
PO Box 1028
Goose Creek, SC 29445
(843) 572-0700 - office
(843) 572-1871 - facsimile

Goose Creek, South Carolina
October 15, 2021

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

WILLIAM R. TANTUM,
Plaintiff,

v.

BEN M. MOEZL, E & J EXPRESS
CORP., AND FEDERAL EXPRESS
CORPORATION,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT
CASE NO.: 2021-CP-15-00613

**AMENDED
SUMMONS**

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint upon the Plaintiff through their attorneys, Benjamin W. Akery, Esquire, and Annie E. Andrews Esquire, at their office at PO Box 1028, Goose Creek, SC 29445, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to Answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

DATED at Goose Creek, South Carolina, this 18th day of October, 2021

THE STEINBERG LAW FIRM LLP

By: s/Benjamin Akery
Benjamin W. Akery, Esquire
Annie E. Andrews, Esquire
Attorneys for Plaintiff
PO Box 1028
Goose Creek, SC 29445
(843) 572-0700 - office
(843) 572-1871 - facsimile

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

WILLIAM R. TANTUM,
Plaintiff,

v.

BEN M. MOEVL, E & J EXPRESS
CORP., FEDERAL EXPRESS
CORPORATION,
Defendants.

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL
CIRCUIT
CASE NO.: 2021-CP-15-00613

AMENDED
COMPLAINT
(JURY TRIAL REQUESTED)

TO THE ABOVE-NAMED DEFENDANTS:

The Plaintiff, William R. Tatum, by and through his attorneys Benjamin W. Akery, Esquire and Annie E. Andrews, Esquire alleges in his Complaint against the Defendants, Ben M. Moevl, E & J Express Corp., and Federal Express Corporation and would respectfully allege and show unto this Honorable Court:

PARTIES AND JURISDICTION

FIRST: The Plaintiff William R. Tatum (hereinafter "Plaintiff Tatum") is a resident of Beaufort County, South Carolina.

SECOND: Upon information and belief, Ben M. Moevl (hereinafter "Defendant Moevl") is a resident of Philadelphia County, Pennsylvania.

THIRD: Upon information and belief, E & J Express Corp. (hereinafter "Defendant E & J Express Corp.") is a freight transportation corporation organized under the laws of New Jersey and doing business in Colleton County, South Carolina.

FOURTH: Upon information and belief, Federal Express Corporation. (hereinafter

“Defendant Federal Express Corporation”) is a freight transportation corporation organized under the laws of Delaware and doing business in Colleton County, South Carolina.

FIFTH: This Court has jurisdiction of the parties and subject matter of this action because the wrongful conduct and the injuries suffered occurred in Colleton County, South Carolina and venue is proper in Colleton County pursuant to S.C. Code Ann. § 15-7-30 because a substantial part of the events or omissions giving rise to the cause of action and the injuries suffered occurred in Colleton County, South Carolina.

FACTUAL ALLEGATIONS

SIXTH: At the time of the occurrence herein mentioned Plaintiff Tantom was the operator of a 2016 GMC Vehicle with SC License Plate # 2251JR.

SEVENTH: At the time of the occurrence herein mentioned Defendant Moezl was the driver of a 2009 Volvo tractor trailer with NJ License Plate # AP389D.

EIGHTH: Upon information and belief and at all times mentioned herein, Defendant Moezl was an agent and/or employee of Defendant E & J Express Corp. and was acting within the course and scope of his employment as a driver of the freight truck for Defendant E & J Express Corp.

NINTH: Upon information and belief and at all times mentioned herein, Defendant E & J Express Corp had contracted or otherwise agreed with Defendant Federal Express Corporation to transport their freight and was furthering the business interests of Federal Express Corporation.

TENTH: On October 20, 2018, at approximately 3:20pm, Plaintiff Tantom was traveling north on Interstate 95 near the town of Walterboro, SC in the left lane of travel and had come to a stop due to traffic.

ELEVENTH: At the aforementioned date and time, while traveling north on

Interstate 95 near the town of Walterboro, SC Defendant Moezl was driving too fast for conditions, failed to stop for traffic, and violently collided with Plaintiff Tantom's vehicle pushing him off the road.

TWELFTH: Defendants were negligent, grossly negligent, careless, reckless, willful and/or wanton in one or more of the following particulars:

AS TO DEFENDANT MOEZL

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- (b) In driving too fast for conditions and general speed limits in violation of South Carolina Statute §56-5-1520;
- (c) In failing to maintain proper control over the tractor trailer;
- (d) In driving while distracted and/or inattentive;
- (e) In failing to properly observe the conditions around him;
- (f) In driving the tractor trailer directly into the path of Plaintiff Tantom's vehicle;
- (g) In striking Plaintiff Tantom's vehicle;
- (h) In failing to take sufficient evasive action by any means, to avoid or keep from striking Plaintiff Tantom's vehicle;
- (i) In operating the tractor trailer with reckless disregard for the rights and safety of others and especially the rights and safety of Plaintiff Tantom;
- (j) In failing to keep a proper lookout;
- (k) In failing to use the brakes on the freight truck or otherwise avoid the collision;
- (l) In failing to exercise that degree of care which a reasonable and prudent truck driver would have exercised under the same or similar circumstances;
- (m) In violating the laws, statutes and ordinances of the State of South Carolina and other federal motor carrier statutes and regulations; and
- (n) In other ways that a judge or jury may determine.

All of which were the direct and proximate cause of the injuries and damages suffered by Plaintiff Tantom as stated herein.

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- (a) Permanent traumatic brain injury;
- (b) Permanent left arm and left ulnar nerve injury requiring surgery;
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- (e) Permanent lumbar spine injury;
- (f) Permanent psychological injuries, including but not limited to, anxiety, depression and PTSD;
- (g) Pain throughout various parts of his body to include head, neck, back, left shoulder, left arm and left leg;
- (h) Dysphagia, chronic cough and other respiratory injuries;
- (i) Past, present and future loss of income;
- (j) Medical expenses, including, but not limited to, physicians, hospitals, medicines, physical therapy, surgeries, rehabilitation, and diagnostic testing;
- (k) Out of pocket costs, expenses and past, present and future lost earnings of Plaintiff Tantum's family members suffered as a result of taking care of the Plaintiff;
- (l) Future medical expenses;
- (m) Permanent impairment;
- (n) Future damages resulting from permanent injuries;
- (o) Disfigurement;
- (p) Inability to attend to his usual household duties and social activities;
- (q) Past, present and future pain and suffering and loss of enjoyment of life; and,
- (r) Other particulars to be determined by the evidence at trial.

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FOURTEENTH: Plaintiff Tantum re-alleges and incorporates the contents of paragraphs first through thirteenth as if set forth herein verbatim.

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FIFTEENTH: Defendant E & J Express Corp. was negligent in hiring Defendant Moezl and entrusting him to drive a tractor trailer.

SIXTEENTH: Defendant E & J Express Corp. was negligent in failing to properly train Defendant Moezl.

SEVENTEENTH: Defendant E & J Express Corp. was negligent in failing to properly supervise Defendant Moezl.

EIGHTEENTH: Defendant E & J Express Corp's negligence in hiring Defendant Moezl and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of Defendant Moezl's collision with Plaintiff Tantum, and Plaintiff Tantum's resulting injuries and damages as more fully set forth above.

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NINETEENTH: Defendant Federal Express Corporation was negligent in hiring, retaining or otherwise agreeing to have Defendant E & J Express Corp and its agents and/or employees transport their freight.

TWENTIETH: Defendant Federal Express Corporation was negligent in failing to properly train Defendant E & J Express Corp and its agents and/or employees.

TWENTY-FIRST: Defendant Federal Express Corporation was negligent in failing to properly supervise Defendant E & J Express Corp and its agents and/or employees.

TWENTY-SECOND: Defendant Federal Express Corporation's negligence in hiring, retaining or otherwise agreeing to have Defendant E & J Express Crop and its agents and/or employees transport their freight and entrusting them with driving a

commercial vehicle hauling and/or transporting their freight and failing to train and supervise Defendant E & J Express Corp and its agents and/or employees properly was the sole and proximate cause of Defendant Moezl's collision with Plaintiff Tantum, and Plaintiff Tantum's resulting injuries and damages as more fully set forth above.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for actual and punitive damages, for the costs of this action and for such other and further relief as this Court may deem just and proper.

THE STEINBERG LAW FIRM LLP

By: s/Benjamin Akery
Benjamin W. Akery, Esquire
Annie E. Andrews, Esquire
Attorneys for Plaintiff
PO Box 1028
Goose Creek, SC 29445
(843) 572-0700 - office
(843) 572-1871 - facsimile

Goose Creek, South Carolina
October 18, 2021

IN THE COURT OF COMMON PLEAS OF THE STATE OF SOUTH CAROLINA FOR COLLETON COUNTY

WILLIAM R TANTUM

Plaintiff/Petitioner

DOCKET NO: 2021CP1500613

FILING DATE: 10/15/2021

vs.

BEN M MOEVL, et al.

Defendant/Respondent

AFFIDAVIT OF SERVICE OF:

Letter; Summons and Complaint; Amended Summons and Amended Complaint

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 22nd day of October, 2021, at 10:36 AM, at the address of 667 Elizabeth Street, Perth Amboy, Middlesex County, NJ 08861; this affiant served the above described documents upon E & J Express Corp c/o Heliodoro Martinez, Registered Agent by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Heliodoro Martinez, Registered Agent, I delivered the documents to Heliodoro Martinez, Registered Agent with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired Hispanic male contact 45-55 years of age, 5'8"-5'10" tall and weighing 160-180 lbs with an accent..

Date: 10/26/2021


Michael Weinschenker

SUBSCRIBED AND SWORN to before me this 26 day of October, 2021.

Naomi H. Weinschenker,
NOTARY PUBLIC in and for the State of New Jersey
My commission expires 10/23/2025

NAOMI H. WEINSCHENKER
NOTARY PUBLIC OF NEW JERSEY
Commission # 50141468
My Commission Expires 10/23/2025



STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-15-00613

WILLIAM R. TANTUM,

Plaintiff,

v.

BEN M. MOEZL, E & J EXPRESS
CORP., AND FEDEX GROUND
PACKAGE SYSTEM, INC.,

Defendants.

SECOND
AMENDED
SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to Answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint upon the Plaintiff through their attorneys, Benjamin W. Akery, Esquire, and Annie E. Andrews Esquire, at their office at PO Box 1028, Goose Creek, SC 29445, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to Answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

DATED at Goose Creek, South Carolina, this 15th day of November, 2021

THE STEINBERG LAW FIRM LLP

By: s/Benjamin Akery
Benjamin W. Akery, Esquire
Annie E. Andrews, Esquire
Attorneys for Plaintiff
PO Box 1028
Goose Creek, SC 29445
(843) 572-0700 - office
(843) 572-1871 - facsimile

STATE OF SOUTH CAROLINA
COUNTY OF COLLETON

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2021-CP-15-00613

WILLIAM R. TANTUM,
Plaintiff,

v.

BEN M. MOEZL, E & J EXPRESS
CORP., FEDEX GROUND PACKAGE
SYSTEM, INC.,
Defendants.

SECOND
AMENDED
COMPLAINT
(JURY TRIAL REQUESTED)

TO THE ABOVE-NAMED DEFENDANTS:

The Plaintiff, William R. Tatum, by and through his attorneys Benjamin W. Akery, Esquire and Annie E. Andrews, Esquire alleges in his Complaint against the Defendants, Ben M. Moezl, E & J Express Corp., and Fedex Ground Package System, Inc. and would respectfully allege and show unto this Honorable Court:

PARTIES AND JURISDICTION

FIRST: The Plaintiff William R. Tatum (hereinafter "Plaintiff Tatum") is a resident of Beaufort County, South Carolina.

SECOND: Upon information and belief, Ben M. Moezl (hereinafter "Defendant Moezl") is a resident of Philadelphia County, Pennsylvania.

THIRD: Upon information and belief, E & J Express Corp. (hereinafter "Defendant E & J Express Corp.") is a freight transportation corporation organized under the laws of New Jersey and doing business in Colleton County, South Carolina.

FOURTH: Upon information and belief, Fedex Ground Package System, Inc.

(hereinafter "Defendant Fedex Ground Package System, Inc.") is a freight transportation corporation organized under the laws of Delaware and doing business in Colleton County, South Carolina.

FIFTH: This Court has jurisdiction of the parties and subject matter of this action because the wrongful conduct and the injuries suffered occurred in Colleton County, South Carolina and venue is proper in Colleton County pursuant to S.C. Code Ann. § 15-7-30 because a substantial part of the events or omissions giving rise to the cause of action and the injuries suffered occurred in Colleton County, South Carolina.

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SIXTH: At the time of the occurrence herein mentioned Plaintiff Tantom was the operator of a 2016 GMC Vehicle with SC License Plate # 2251JR.

SEVENTH: At the time of the occurrence herein mentioned Defendant Moezl was the driver of a 2009 Volvo tractor trailer with NJ License Plate # AP389D.

EIGHTH: Upon information and belief and at all times mentioned herein, Defendant Moezl was an agent and/or employee of Defendant E & J Express Corp. and was acting within the course and scope of his employment as a driver of the freight truck for Defendant E & J Express Corp.

NINTH: Upon information and belief and at all times mentioned herein, Defendant E & J Express Corp had contracted or otherwise agreed with Defendant Fedex Ground Package System, Inc. to transport their freight and was furthering the business interests of Fedex Ground Package System, Inc.

TENTH: On October 20, 2018, at approximately 3:20pm, Plaintiff Tantom was traveling north on Interstate 95 near the town of Walterboro, SC in the left lane of travel and had come to a stop due to traffic.

ELEVENTH: At the aforementioned date and time, while traveling north on

Interstate 95 near the town of Walterboro, SC Defendant Moezl was driving too fast for conditions, failed to stop for traffic, and violently collided with Plaintiff Tantom's vehicle pushing him off the road.

TWELFTH: Defendants were negligent, grossly negligent, careless, reckless, willful and/or wanton in one or more of the following particulars:

AS TO DEFENDANT MOEZL

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- (b) In driving too fast for conditions and general speed limits in violation of South Carolina Statute §56-5-1520;
- (c) In failing to maintain proper control over the tractor trailer;
- (d) In driving while distracted and/or inattentive;
- (e) In failing to properly observe the conditions around him;
- (f) In driving the tractor trailer directly into the path of Plaintiff Tantom's vehicle;
- (g) In striking Plaintiff Tantom's vehicle;
- (h) In failing to take sufficient evasive action by any means, to avoid or keep from striking Plaintiff Tantom's vehicle;
- (i) In operating the tractor trailer with reckless disregard for the rights and safety of others and especially the rights and safety of Plaintiff Tantom;
- (j) In failing to keep a proper lookout;
- (k) In failing to use the brakes on the freight truck or otherwise avoid the collision;
- (l) In failing to exercise that degree of care which a reasonable and prudent truck driver would have exercised under the same or similar circumstances;
- (m) In violating the laws, statutes and ordinances of the State of South Carolina and other federal motor carrier statutes and regulations; and
- (n) In other ways that a judge or jury may determine.

All of which were the direct and proximate cause of the injuries and damages suffered by Plaintiff Tantom as stated herein.

THIRTEENTH: As the direct and proximate result of the aforesaid negligent, gross negligent, careless, reckless, willful and/or wanton acts or omissions of the Defendants, Plaintiff Tantum suffered great and permanent physical harm, injuries and damages including:

- (a) Permanent traumatic brain injury;
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- (g) Pain throughout various parts of his body to include head, neck, back, left shoulder, left arm and left leg;
- (h) Dysphagia, chronic cough and other respiratory injuries;
- (i) Past, present and future loss of income;
- (j) Medical expenses, including, but not limited to, physicians, hospitals, medicines, physical therapy, surgeries, rehabilitation, and diagnostic testing;
- (k) Out of pocket costs, expenses and past, present and future lost earnings of Plaintiff Tantum's family members suffered as a result of taking care of the Plaintiff;
- (l) Future medical expenses;
- (m) Permanent impairment;
- (n) Future damages resulting from permanent injuries;
- (o) Disfigurement;
- (p) Inability to attend to his usual household duties and social activities;
- (q) Past, present and future pain and suffering and loss of enjoyment of life; and,
- (r) Other particulars to be determined by the evidence at trial.

AS A SECOND CAUSE OF ACTION

Negligent Hiring, Training & Supervision by Defendants E & J Express Corp. and Defendant Fedex Ground Package System, Inc.

FOURTEENTH: Plaintiff Tantum re-alleges and incorporates the contents of paragraphs first through thirteenth as if set forth herein verbatim.

AS TO DEFENDANT E & J EXPRESS CORP.

FIFTEENTH: Defendant E & J Express Corp. was negligent in hiring Defendant Moezl and entrusting him to drive a tractor trailer.

SIXTEENTH: Defendant E & J Express Corp. was negligent in failing to properly train Defendant Moezl.

SEVENTEENTH: Defendant E & J Express Corp. was negligent in failing to properly supervise Defendant Moezl.

EIGHTEENTH: Defendant E & J Express Corp's negligence in hiring Defendant Moezl and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of Defendant Moezl's collision with Plaintiff Tantum, and Plaintiff Tantum's resulting injuries and damages as more fully set forth above.

AS TO DEFENDANT FEDEX GROUND PACKAGE SYSTEM, INC.

NINETEENTH: Defendant Fedex Ground Package System, Inc. was negligent in hiring, retaining or otherwise agreeing to have Defendant E & J Express Corp and its agents and/or employees transport their freight.

TWENTIETH: Defendant Fedex Ground Package System, Inc. was negligent in failing to properly train Defendant E & J Express Corp and its agents and/or employees.

TWENTY-FIRST: Defendant Fedex Ground Package System, Inc. was negligent in failing to properly supervise Defendant E & J Express Corp and its agents and/or

employees.

TWENTY-SECOND: Defendant Fedex Ground Package System, Inc.'s negligence in hiring, retaining or otherwise agreeing to have Defendant E & J Express Corp and its agents and/or employees transport their freight and entrusting them with driving a commercial vehicle hauling and/or transporting their freight and failing to train and supervise Defendant E & J Express Corp and its agents and/or employees properly was the sole and proximate cause of Defendant Moezl's collision with Plaintiff Tantom, and Plaintiff Tantom's resulting injuries and damages as more fully set forth above.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for actual and punitive damages, for the costs of this action and for such other and further relief as this Court may deem just and proper.

THE STEINBERG LAW FIRM LLP

By: s/Benjamin Akery
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Goose Creek, South Carolina
November 15, 2021

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF COLLETON)	
)	
WILLIAM R. TANTUM,)	Civil Action No. 2021CP1500613
)	
Plaintiff,)	
)	
vs.)	ACCEPTANCE OF SERVICE
)	
BEN M. MOEZL, E & J EXPRESS)	
CORP., AND FEDEX GROUND)	
PACKAGE SYSTEM, INC.,)	
)	
Defendants.)	

Pursuant to Rule 4(j), SCRCF, the undersigned, as defense counsel for FedEx Ground Package System, Inc. (“Defendant”), hereby certifies that I have been authorized by the Defendant to accept service on its behalf of a Second Amended Summons and Complaint in the above-referenced action, and did in fact receive and accept service of a Second Amended Summons and Complaint on the 16th day of November, 2021, at the address below.

s/ Benjamin B. Davis
Benjamin B. Davis
Bar No: 74955
MCANGUS GOUDELOCK & COURIE, L.L.C.
735 Johnnie Dodds Blvd, Suite 200 (29464)
Mt. Pleasant, South Carolina 29465
(843) 576-2900

ATTORNEYS FOR DEFENDANTS E & J
EXPRESS CORP., AND FEDEX GROUND
PACKAGE SYSTEM, INC.

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
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WILLIAM R. TANTUM,)	Civil Action No. 2021CP1500613
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PACKAGE SYSTEM, INC.,)	
)	
Defendants.)	

Pursuant to Rule 4(j), SCRCF, the undersigned, as defense counsel for E & J Express Corp. (“Defendant”), hereby certifies that I have been authorized by the Defendant to accept service on its behalf of a Second Amended Summons and Complaint in the above-referenced action, and did in fact receive and accept service of a Second Amended Summons and Complaint on the 16th day of November, 2021, at the address below.

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